

**REPORT ON THE
BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS**

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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July 14, 2004

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Examiners of Nursing Home Administrators** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Examiners of Nursing Home Administrators**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority

The Board of Examiners of Nursing Home Administrators was first created by Act 986, *Acts of Alabama 1969* in response to Section 1908 of the federal Social Security Act. Section 1908 requires that states adopt a program for the licensing of administrators of nursing homes and provides that no nursing home within any state will operate except under the supervision of a licensed administrator. The *Code of Federal Regulations* (CFR) 42, Chapter IV, Subchapter C, part 431, Subpart N, requires that the state's Medicare plan must include a state program for licensing nursing home administrators as a condition of participating in Medicare and Medicaid programs. Section 431.703 specifically requires that nursing homes may only operate if supervised by an administrator licensed in accordance with the requirements of subpart N.

Section 431.706 (a), requires that a state's nursing home administrator licensing board must be composed of persons representing professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients, with the following restrictions;

- A majority of the board members may not be representative of a single profession or category of institution; and
- Members not representative of institutions may not have a direct financial interest in any nursing home.

The *Code of Alabama 1975*, Sections 34-20-1 through 34-20-16 provide the current statutory authority for the board and authorize the board to license and regulate the profession of nursing home administration.

The board has a close association with the Alabama Nursing Home Association. The board leases its office space from the association. The board's executive secretary is also an employee of the association. The *Code of Alabama 1975*, Section 34-20-8 makes the association an advisory council to the board. Attorney General's Opinion #81-405 to the Hon. Frank G. Perryman, Chairman of the Board of Examiners of Nursing Home Administrators, states that the board may contract with the Alabama Nursing Home Association for office space.

Board Characteristics

Members	7
Term	3 year staggered terms. Members serve until successors have been appointed and qualified. Members may serve no more than two consecutive, full, three-year terms.

Selection	<p>Appointed by the governor from nominations from the</p> <ul style="list-style-type: none"> • Alabama Nursing Home Association • Medical Association of the State of Alabama • Alabama Hospital Association • Alabama State Nurses Association
Qualifications	<ul style="list-style-type: none"> • 3 must be licensed nursing home administrators, • 1 must be a licensed physician who treats chronically ill, infirm or aged patients, • 1 must be a hospital administrator • 1 must be a registered nurse with 5 years experience in geriatric nursing and currently serving as a director of nursing in a geriatric facility, • 1 must be a consumer member <p>All must be U.S. citizens and Alabama residents</p> <p>Neither the consumer member, the member's spouse nor immediate family can be a licensee of the board nor employed in the nursing home profession</p>
Racial Representation	<p>No specific statutory requirement.</p> <p>The board currently includes:</p> <ul style="list-style-type: none"> • 4 white males, • 2 white females • 1 black male.
Geographical Representation	<p>One member from each congressional district, unless more than one from a district is needed to achieve diversity or qualification requirements</p> <p>The board currently includes:</p> <ul style="list-style-type: none"> • 1 each from districts 1, 2, 5, 6, and 7 • 2 from district 4
Consumer Representation	<p>One member must be a consumer member. The consumer member is a full voting member.</p>

Other Representation	The membership of the board shall be inclusive and reflect the racial, gender, geographical, urban/rural, and economical diversity of the state.
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<u>Operations</u>	
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Compensation	\$100.00 per day set by the board for performing official board duties. Board members receive travel expense reimbursement at the same rate as state employees.										
Administrator	Katrina G. Magdon, Executive Secretary Appointed by the board Salary = \$28,072 annually, set by the board										
Location	4156 Carmichael Road Montgomery, AL 36106										
Type of License	As of 9/30/2003 the board has issued the following licenses, certifications and permits: <table> <tr> <td>Nursing Home Administrator.</td><td>481</td></tr> <tr> <td>Administrator in Training (AIT).</td><td>27</td></tr> <tr> <td>AIT Preceptor.</td><td>20</td></tr> <tr> <td>Emergency Permits</td><td>9</td></tr> <tr> <td>Total.</td><td>537</td></tr> </table>	Nursing Home Administrator.	481	Administrator in Training (AIT).	27	AIT Preceptor.	20	Emergency Permits	9	Total.	537
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Administrator in Training (AIT).	27										
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Emergency Permits	9										
Total.	537										
Renewal	Annual renewals. Licenses must be renewed on the last day of the month the original license was issued. If a licensee has not completed continuing education requirements by renewal, the license expires and the licensee must apply again for original licensure. If the licensee meets continuing education requirements, but the license is not renewed on time, the license becomes delinquent and may be renewed within a 90 day grace period with the payment of a late fee.										
Examinations	The board's administrative code provides for examinations to be given at least 4 times a year. The board has selected an examination offered by the National Association of Boards of Long Term Care Administrators (NAB) as its written exam for all applicants, except those applying through reciprocity. The NAB provides its examination through Prometric Technology Centers (formerly Sylvan Learning Centers). Applicants can schedule the NAB										

	examination at their convenience. Reciprocal applicants must pass a state written examination prepared and administered by the board. The state written examination is given on an as needed basis.
Continuing Education	24 hours per year to qualify for renewal of license.
Reciprocity	The board may issue a reciprocal license to an applicant who is licensed by a state or national organization whose requirements for licensure are substantially similar to Alabama's and which offers similar endorsement and recognition to Alabama-licensed nursing home administrators.
Employees	1, part time, unclassified, white female.
Legal Counsel	Attorney General's Office
Subpoena Power	No
Internet Presence	www.alboenha.state.al.us The board's web site contains: <ul style="list-style-type: none"> • home page with objective and description • board meetings • course approval for continuing education • board members names and addresses • qualifications for licensure • preceptor applications, recertifications, and list • rules and regulations • fee schedule • licensee list and information • applications, and • other forms

<u>Financial Information</u>	
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Attended Board Member Training	Katrina G. Magdon, the Executive Secretary
Source of Funds	Licensing fees
State Treasury	Yes
Unused Funds	Retains unexpended funds.

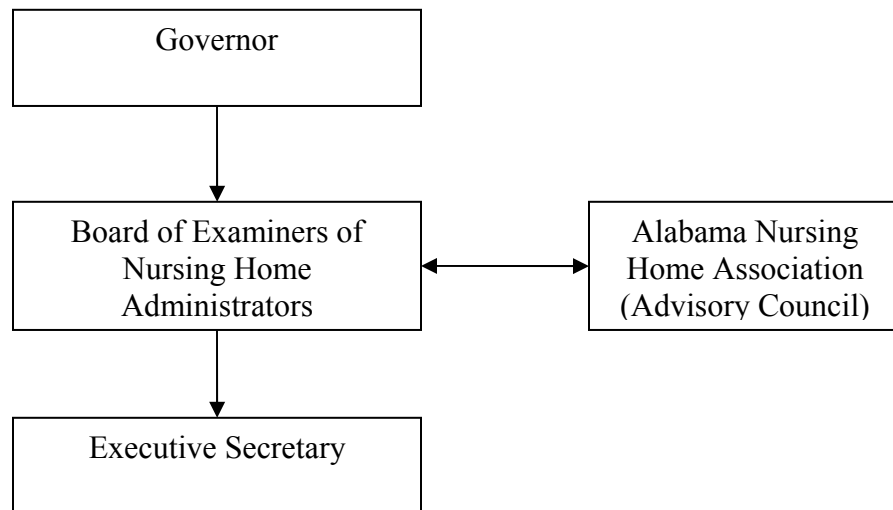
SIGNIFICANT ITEMS

A Significant Number of Licensees are Concerned about Funding. A review of responses to a questionnaire sent to licenses shows that 45% (30 responses) are concerned with funding, including funding of state reimbursement through Medicare and Medicaid, and the bed tax.

STATUS OF PRIOR FINDINGS

All findings from our most recent prior routine examination of the board have been resolved.

ORGANIZATION



PERSONNEL

The board has one part-time employee, the Executive Secretary, Katrina Magdon, who is an unclassified merit state system employee. Ms. Magdon is also employed by the Alabama Nursing Home Association.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 537 (single employee staff)

Total Expenditure per Licensee (2002-2003 fiscal Year) - \$84.80

Number of Persons per Licensee in Alabama and Surrounding States

State	Population (Estimate)	Number of Licensees		Persons per Licensee
Alabama	4,500,752	Active Administrators	481	9,357
Florida	17,018,068	Active Administrators	1,720	9,931
Georgia	8,684,715	Active Administrators	992	8,755
Mississippi	2,881,281	Active Administrators	418	6,893
Tennessee	5,841,478	Active Administrators	744	7,851

Notification to Licensees of Board decisions to Amend Administrative Rules

The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are being notified of proposed changes through local meetings attended by the executive director, board consultant and board members. The board also posts a draft of proposed rules on its website.

Jurisdictional Overlap with Other Agencies

Responsibility for the proper operation of nursing home facilities in Alabama is primarily the responsibility of the Department of Public Health. The Department of Public Health, through its Division of Health Care Facilities Administration, is responsible for the licensure and inspection of nursing home facilities. The Board of Examiners of Nursing Home Administrators is responsible only for the licensing of nursing home administrators.

Complaint Resolution

Fiscal Year	Complaints Received	99-00	00-01	01-02	02-03	03-04 to date	Pending
1999-2000	21	11	10	0	0	0	0
2000-2001	29	0	15	14	0	0	0
2001-2002	20	0	0	8	7	3	2
2002-2003	32	0	0	0	19	10	3

Complaint Process

The majority of complaints received by the board are filed by inspectors of the Department of Public Health, Division of Health Care Facilities Administration. The complaints involve deficiencies noted during health inspections of facilities. During the four year scope of the current sunset review, six complaints were received that were not from the Department of Public Health.

The procedures to process complaints and reasons for disciplining licensees are found in Sections 34-20-6 and 34-20-14 of the *Code of Alabama 1975*, and Rules 620-X-8-.01 and 620-X-9-.01 of the board's *Administrative Code*. The board's process for

documenting complaints appears to be complete and allows adequate monitoring of complaint status.

Initial Documentation	All complaints must be submitted in writing and signed with contact information included. A complaint form can be downloaded from the board's website or copied from the board's administrative code. The board's secretary notifies the board at the next scheduled meeting that a complaint has been received.
Anonymous Complaints	Anonymous complaints are not investigated.
Investigative Committee	The board's executive secretary, the representative of the Attorney General's Office assigned to the board and, if necessary, a member of the board, are appointed to become the investigative committee.
Notification and Investigation	The executive secretary will notify the individual(s) complained against that the complaint has been received and the nature of the complaint. The individual(s) will be given and opportunity to comment and present information regarding the complaint. The executive secretary may request an affidavit of facts from the individual(s) who filed the complaint. The complaint is logged and a notation is placed in the administrator's file.
Report to Board	The investigative committee may determine that the case should be closed for lack of a probable cause, may negotiate a settlement, or may recommend that an administrative complaint be filed. Upon completion of the investigation, a report is made of investigative findings to the full board. If the investigative committee recommends that an administrative complaint be filed the facts of the case are kept confidential until a formal hearing can be convened.
Eligibility to Vote	If a board member was involved in the investigation, the member must abstain from voting on any action regarding the complaint.
Completion	When final action is determined, the executive secretary enters the information in the administrator's file and registers the action with a national disciplinary data bank, if necessary.

FINANCIAL INFORMATION

Schedule of Fees

The ***Code of Alabama 1975***, in the following sections, authorizes the board to set fees through its rule making authority. The following fees have been set.

<u>Fee</u>	<u>Code of Alabama 1975</u>	<u>Amount</u>
State Written Exam (Reciprocity)	34-20-9(a)	\$350
Application	34-20-11	150
Original License	34-20-11	150
Renewal	34-20-13(b)	150
Late Renewal Penalty	34-20-13(d)(2)	400
Inactive Reactivation	34-20-13(f)	400
Emergency Permit	34-20-11	750
AIT Application (200 – 1000 hour)	34-20-9(b)	100
AIT Application (2000 hour)	34-20-9(b)	150
Preceptor Certification	34-20-9(b)	100
Preceptor Recertification	34-20-9(b)	100
Reciprocity Questionnaire	34-20-12	75
Administrative Fines	34-20-14(a)	Up to 1000

In addition, the board collects:

Bad Check Return Fee	8-8-15	25
Copies (per page 1 - 25)	Cost recovery	1.00
Copies (per page 26 +)	Cost recovery	.25

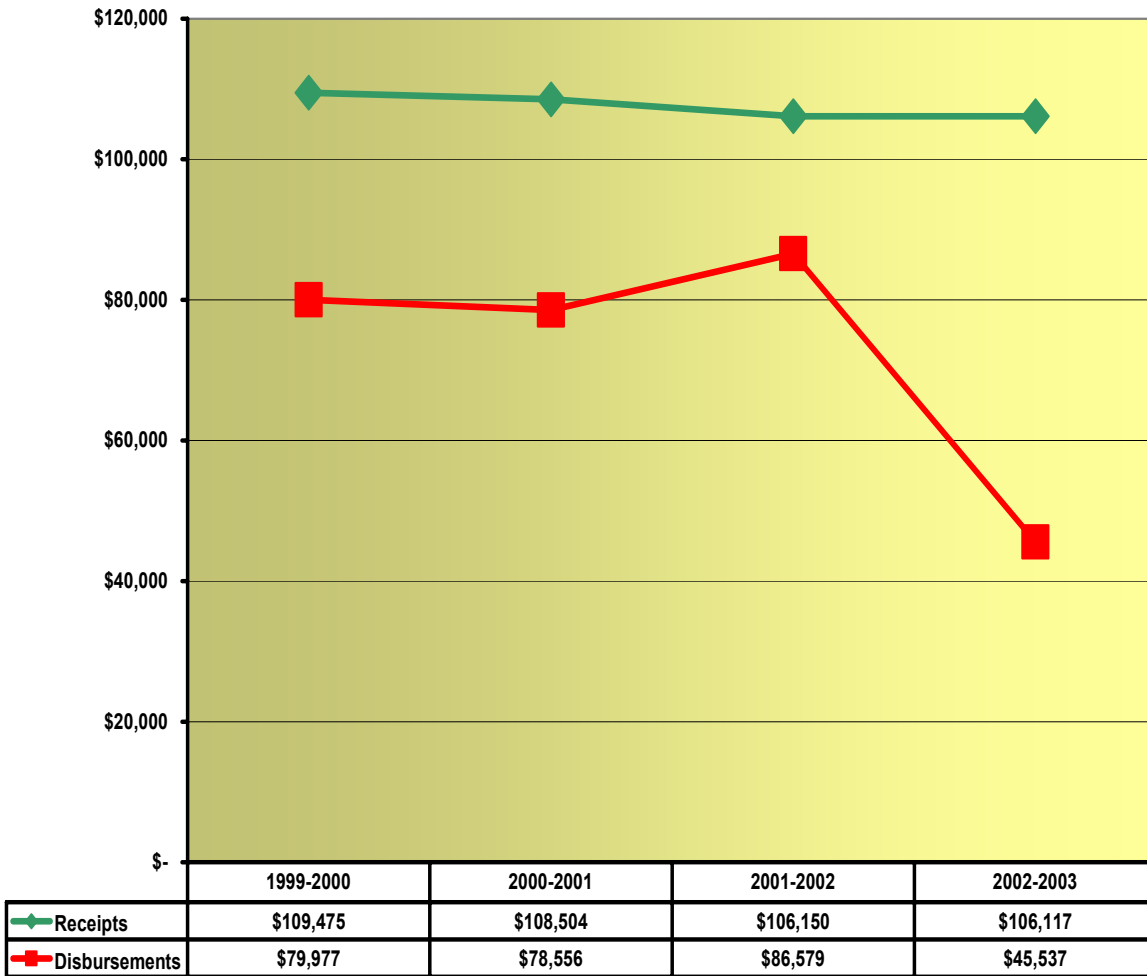
Schedule of Operating Receipts, Disbursements, and Balances

October 1, 1999 through September 30, 2003

	2002-2003	2001-2002	2000-2001	1999-2000
<u>Receipts</u>				
Licensing Fees	\$ 106,116.75	\$ 106,150.00	\$ 108,504.25	\$ 109,475.00
<u>Disbursements</u>				
Personnel Costs	31,821.84	29,864.40	27,736.42	26,560.24
Employee Benefits	3,543.17	3,314.19	3,114.76	3,001.23
Travel In-State	4,521.79	4,680.78	4,877.77	4,425.91
Travel-Out-of-State	1,248.37	3,384.42	3,037.26	5,334.66
Rentals and Leases	619.20	-	705.08	967.70
Professional Services (1)	308.16	42,340.28	36,341.85	36,826.00
Supplies, Materials, and Operating Expenses	3,474.06	2,995.39	2,743.00	2,860.97
Total Disbursements	45,536.59	86,579.46	78,556.14	79,976.71
Excess (Deficiency) of Receipts over Disbursements	60,580.16	19,570.54	29,948.11	29,498.29
Cash Balance at Beginning of Year	84,016.72	64,446.18	34,498.07	4,999.78
Cash Balance at End of Year	144,596.88	84,016.72	64,446.18	34,498.07
Reserved for Unpaid Obligations	45.00	45.00	-	-
Unreserved Cash Balances at end of Year	\$ 144,551.88	\$ 83,971.72	\$ 64,446.18	\$ 34,498.07

1. The reduction in professional services costs resulted from changes the state's procurement requirements that affected the board's contract with the Alabama Nursing Home Association (ANHA) for office space and administrative services. While the board was determining how to comply with the procurement changes, the association allowed the board to remain in the ANHA building without a contract, temporarily providing the board with space and services at no cost.

Operating Receipts Vs Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were mailed to all seven board members. Four responded.

Question #1

What are the most significant issues currently facing the Board of Examiners of Nursing Home Administrators and how is the Board addressing these issues?

Respondent 1--"Retention and Recruitment of Nursing Home Administrators. Addressing their support and education."

Respondent 4--"The constrictions that will be placed on nursing homes in R/T fines, taxes, and changes in Medicaid funding in the state. This could result in more substandard care given to our nursing home residents."

Question #2

What changes to the Board's laws are needed?

Respondent 1--"None"

Respondent 4--"The rules and regulations have been reviewed and updated. I think appointed board members should be allowed to serve [illegible] as a member longer or increase the number of years a member can serve."

Question #3

Is the Board adequately funded?

Yes 3 No 0 Unknown 0 No Opinion 1

Question #4

Is the Board adequately staffed?

Yes 4 No 0 Unknown 0 No Opinion 0

Question #5

What is the purpose of your fiscal year end fund balance?

Respondent 1--"Unknown"

Respondent 2--"Ongoing operation"

Respondent 4--"The Board members on the board have made some changes that were recommended or required by the state--(1) Possible changes R/T where the office would be located that would result in increased rent; (2) Retaining an outside investigator. The Attorney that acts as a consultant to the Board recommended this to be done; (3) Funds for [illegible] Board members to attend national meetings. This is very important to Alabama. Board members must be allowed to [attend] National meetings and serve on committees. This will allow Alabama to have a say in national issues."

Other Comments:

Respondent 4--"Thank you for asking the Board for its input on these concerns."

Licensee Questionnaire

Questionnaires were mailed to 100 licensees. Sixty-seven responded.

Question #1

Do you think regulation of your profession by the Alabama Board of Examiners of Nursing Home Administrators is necessary to protect the public welfare?

Yes 63 No 3 Unknown 0 No Opinion 1

Respondent 8—"I think they provide a professional review and oversight of activities in long term care."

Respondent 14—"Probably not because of the numerous federal and state regulations that nursing homes must comply [with]."

Respondent 16—"Regulation is necessary to ensure competency of this profession but current professionals work hard and have the utmost concern for our nursing home residents."

Question #2

Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the profession?

Yes 8 No 57 Unknown 2 No Opinion 0

Respondent 37—"I believe the board should look at changing requirements for receiving license in Alabama."

Respondent 52—"I think 24 hours per year is somewhat excessive. I think licenses should be for 2 years requiring 24 CEU's per 2 years."

Question #3

Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Yes 6 No 61 Unknown 0 No Opinion 0

Respondent 3—"24 hours of continuing education per year should be changed to 48 per two years."

Respondent 20—"AIT program."

Respondent 37—"I know many associate degree professionals who work in long term who would make excellent administrators. Look at Georgia."

Question #4

Are you adequately informed by the Board of changes to and interpretations of Board positions, policies, rules and laws?

Yes 56 No 8 Unknown 2 No Opinion 1

Question #5

Has the Board performed your licensing and renewal in a timely manner?

Licensing: Yes 66 No 0 Unknown 0 No Opinion 1

Renewal: Yes 63 No 0 Unknown 0 No Opinion 4

Respondent 3—"But we need two years for 48 hours instead of 24 per one year. That way if you complete it all in the first year you get a break."

Respondent 13—"My license is currently inactive. I think I have not received any correspondence relative to the status of my license or renewal."

Question #6

Do you consider mandatory continuing education necessary for competent practice?

Yes 60 No 5 Unknown 0 No Opinion 2

Respondent 8—"ALBOE maintains strict guidelines to ensure that residents are provided competent management staff."

Respondent 13—"As long as the continuing education is relevant and provides the education and information needed."

Respondent 14—"But not as many hours that are now required."

Respondent 16—"To keep administrators informed of changes in regulations and other issues. Since this profession and nursing home industry have changes on an ongoing basis."

Respondent 29—"But, why 24 hours per year?"

Respondent 32—“Absolutely”

Respondent 36—“Mandatory CEU’s should at least be reduced to 12 (annual)—the same as a licensed attorney.”

Respondent 39—“Not as restrictive. Need more leeway and more flexibility to schedule CEUs.”

Respondent 48—“But they should renew licenses every 2 years. It is too burdensome to do it every year.”

Question #7

Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes 62 No 2 Unknown 1 No Opinion 2

Respondent 13—“I have not received any correspondence from the ANHA.”

Respondent 39—“Not always.”

Respondent 59—“Would like to have Board review policy of pre-approval of all non-Alabama NAB courses. Licensed in neighboring states – creates complicating paperwork.”

Question #8

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issues?

Respondent 1—“Reimbursement through Medicaid, effective training for business office staff, bed tax—[illegible] SNF’s for Medicaid budgetary needs, no improvement in community perception of SNF’s. I do not see any effort from ANHA in aiding these issues.”

Respondent 2—“Extra Medicaid bed tax—pushing to be passed by the Senate. This will keep Medicaid funded.”

Respondent 3—“Reciprocity from other states who don’t have the same requirements as the state of Alabama. Almost anyone with a few years of N.H. experience, no matter if its not in administration, can apply in GA, MS, etc. and then get an Alabama license through reciprocity.”

Respondent 4—“Funding—Medicaid shortage.”

Respondent 5—“Funding for nursing homes. Personnel turnover and shortage”

Respondent 6—"Fair and adequate reimbursement and changing regulatory issues."

Respondent 8—"Reimbursement for adequate operation of facilities and non-qualified levels (assisted living). Caring for residents requiring skilled care."

Respondent 9—"Medicaid funding—working with state government to ensure funding."

Respondent 10—"Education to endure quality and competence."

Respondent 11—"a.) Medicaid long term care funding for the elderly, sick, frail, and disabled. b.) The Board requires all administrators have an understanding of the general information necessary to the administration and operation of a nursing home per the rules and regulations. This helps them (admin) to make informed decisions on such issues as the Medicaid funding and what is needed to address the issue."

Respondent 14—"Excessive regulations that place such a burden on the employees that cause them to leave. Not aware of anything the Board has done to address this."

Respondent 15—"Ever increasing regulation and governmental oversight. The Board does an exemplary job keeping us updated."

Respondent 16—"Lack of legislative support and protection, stupidity of DLC state surveyors, legal environment."

Respondent 19—"Medicaid and Medicare funding. I think the Board supports reasonable initiatives to ensure continued funding."

Respondent 21—"The most significant issue facing Alabama nursing homes is Medicaid funding. The Board has done everything possible to keep us aware and up to date with changes with Medicaid."

Respondent 22—"Medicaid funding—Yes!"

Respondent 23—"Medicaid funding—The BOENHA is active, to the degree possible and permissible, in communicating our profession's dependence and need for appropriate funding."

Respondent 24—"They are vital to us all! Recently was the bed tax issue. If it were not for our board keeping us up to date and on whom to call we would all be at a loss. We need them because we are so busy running our facilities."

Respondent 28—"1.) Too much federal and state regulation. Board is not adequately lobbying against this. 2.) Insufficient Medicaid funding for Medicaid residents. Board needs to do a better job informing the public of true costs."

Respondent 29—“Extreme, subjective, and at times, uneven application of nursing home regulations by DLC.”

Respondent 30—“Funding—The Board ensures members are educated and aware of issues and promotes active involvement.”

Respondent 33—“Liability insurance cost”

Respondent 34—“1.) Lawsuits against nursing home. Board/Association is fighting.
2.) Immediate jeopardy by states opinion. Provides education/review. 3.) Nursing shortage.
?”

Respondent 35—“Funding for the elderly. Board and Association are working closely with the legislative branch of government to address the funding problem.”

Respondent 36—“Funding (Medicaid), over regulation and regulatory issues, liability insurance, frivolous lawsuits. I believe the Board is doing all they can to address these issues and the board is doing an outstanding job.”

Respondent 37—“Burn out ratio and ability to find those people who will truly put the energy and consistency into being a good administrator.”

Respondent 38—“Medicaid funding. Recruitment of new, young administrators.”

Respondent 41—“Medicaid funding—The Board keeps us informed on the status of [illegible] and info on politics in relation to the funding.”

Respondent 42—“Medicaid funding—lobbying efforts are adequate. Restrictions on malpractice suits—lobbying progress is being made. Over regulation to the industry.”

Respondent 43—“Litigation. Education.”

Respondent 45—“The public image being negative toward nursing homes. The expectations unreasonably high and humanly impossible. Staffing which I think could be improved if the public image was improved. State surveyors being unreasonable and not team players in the goals of the nursing home. The fines and lawsuits. If a facility is fined I think at least a percent of the money should go the area sited for improvement.”

Respondent 46—“State surveyors. Reimbursement issues.”

Respondent 48—“Requirements for licensure. The preceptor concept favors people actually working in the facility and leaves out candidates in other occupations. Have a plan that attracts from outside the nursing home profession. Say a degree is needed and a year experience in a facility without preceptor requirements.”

Respondent 50—"Staying abreast of all challenges that face us now as well in the future. I am licensed in other states and I believe the Alabama board is doing a better job."

Respondent 52—"Medicaid funding."

Respondent 53—"Medicaid crisis. The Board keeps me informed through faxes and memos on their opinions/concerns regarding Medicaid and proposed bills."

Respondent 54—"I am not informed of the Board issues."

Respondent 55—"Medicaid funding. Working with various agencies and law makers to derive a satisfactory solution."

Respondent 56—"Staffing—licensed/non-licensed. Medicaid funding. Funding to Alabama general fund. Increased cost of insurance."

Respondent 58—"The survey process. Surveyors are inconsistent from one facility to the next. Many surveyors attempt to enforce personal opinion as regulation. Our agency is meeting often with the survey agency."

Respondent 59—"Funding"

Respondent 61—"Funding"

Respondent 62—"Medicare/Medicaid cuts and yes it is being addressed."

Respondent 64—"Finding enough staff—CAN, LPN."

Respondent 66—"Shortage of trained administrators—one problem will be to gain the interest of young people to our profession."

Respondent 67—"Excessive litigation. Tort reform efforts."

Question #9

Do you think the Board and its staff are satisfactorily performing their duties?

Board: Yes 61 No 0 Unknown 2 No Opinion 4

Staff: Yes 63 No 0 Unknown 2 No Opinion 2

Respondent 8—"Excellent!"

Respondent 13—"Except for providing necessary correspondence."

Respondent 14—"Since I do not have adequate knowledge about their duties, I cannot answer this."

Respondent 48—"The staff could be more understanding and courteous."

Question #10

Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

Yes 1 No 65 Unknown 0 No Opinion 1

Respondent 8—"Never!"

Complainant Questionnaire

Questionnaires were mailed to six complainants. Three responded.

Question #1

Was your complaint filed with the Alabama Board of Examiners of Nursing Home Administrators by:

Mail 1 Phone 2 Fax 1 Other 1 Unknown 0

* One respondent sent multiple notices of complaint.

Question #2

Was receipt of your complaint promptly acknowledged?

Yes 2 No 1 Unknown

If yes, approximately how long after you filed your complaint were you contacted by the Board?

Immediately 0 Within 10 days 2 Within 20 days 0
Within 30 days 0 More than 30 days 0 Did not respond 0
Unknown 1

Respondent 3—"Can't remember but was very timely."

Question #3

Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable: Yes 2 No 1 Unknown 0
Courteous: Yes 1 No 2 Unknown 0

Respondent 2—"Referred me to someone else."

Question #4

Did the Board communicate the results of investigating your complaint to you?

Yes 1 No 1 Unknown 1

Respondent 3—"I did not request to be notified of results."

Question #5

Do you think the Board did everything it could to resolve your complaint?

Yes 1 No 1 Unknown 1

Question #6

Were you satisfied with your dealings with the Board?

Yes 2 No 1 Unknown 0

Other Comments:

Respondent 2—“Apparently NH Administrators are allowed to do anything without fear of reprimand or consequences including forgery and lying.”

APPENDICES

Statutory Authority

CHAPTER 20. NURSING HOME ADMINISTRATORS.

REFERENCES

CROSS REFERENCES

As to donation of drugs to charitable clinics, see Chapter 3 of Title 20.

As to the enforcement authority of the Medicaid Agency of Alabama to ensure compliance with the nursing home enforcement process reform provisions of the Omnibus Budget Reconciliation Act of 1987, P.L. 100-203, see §§ 22-6-20 through 22-6-27.

As to regulation of wastewater onsite management entities using decentralized cluster wastewater systems, see Chapter 25A of Title 22.

ADMINISTRATIVE CODE

17 Ala. Admin. Code 620-X-1-.01 et seq., Board of Examiners of Nursing Home Administrators.

ANNOTATIONS

CASENOTES

Generally 1 enter p

1. Generally

Statutes which regulate nursing homes impose a duty for the public at large. Any individual person injured, therefore, would acquire no new rights by virtue of the enactment of the statutes. *Flint City Nursing Home, Inc. v. Depreast*, 406 So.2d 356 (Ala.1981). Health 603

The statutes which were enacted to regulate and require nursing homes and their administrators to be licensed, were enacted under the police power to provide for the public health, welfare and safety, and are designed to protect the public generally from incompetent, unethical, and unscientific practitioners in nursing home care. *Flint City Nursing Home, Inc. v. Depreast*, 406 So.2d 356 (Ala.1981).

§ 34-20-1. Definitions. [AL ST SEC 34-20-1]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

(1) Board. The Board of Examiners of Nursing Home Administrators of the State of Alabama.

(2) Examiner. A member of the Board of Examiners of Nursing Home Administrators of the State of Alabama.

(3) Secretary. The Secretary of the Board of Examiners of Nursing Home Administrators of the State of Alabama.

(4) Nursing Home Administrator. Any individual who is charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals.

(5) Provisional license. A temporary license issued to a provisional nursing home administrator by the Board of Examiners of Nursing Home Administrators.

(6) Provisional nursing home administrator. An individual who has been issued a provisional license by the Board of Examiners of Nursing Home Administrators of the State of Alabama.

(7) Practice of nursing home administration. The planning, organizing, directing and control of the operation of a nursing home.

(8) Nursing home. Any institution or facility defined as such for licensing purposes under state law.

(Acts 1969, No. 986, p. 1734, § 1.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

Sections 34-24-1 through 34-24-39 and the State Licensing Board for the Healing Arts, referred to in former subdivision (7) of this section, were repealed by Acts 1981, No. 81-217, p. 271, § 1, effective April 7, 1981. Therefore, the definition has been deleted and the remaining definitions renumbered.

§ 34-20-2. License required. [AL ST SEC 34-20-2]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

No nursing home in the state may operate unless it is under the supervision of an administrator who holds a currently valid nursing home administrator's license, or provisional license, issued by the Board of Examiners of Nursing Home Administrators. No person shall practice or offer to practice nursing home administration in this state or use any title, sign, card or device to indicate that he is a nursing home administrator unless such person shall have been duly licensed as a nursing home administrator or as a provisional nursing home administrator. In the event a nursing home administrator dies, unexpectedly resigns, becomes incapacitated or has his license revoked, the person or persons then responsible for the management of the nursing home shall immediately

notify the Board of Examiners of Nursing Home Administrators and the agency issuing the nursing home license and shall be allowed a reasonable period of time, in accordance with policies adopted by the board, to be established by the agency issuing the nursing home license, not to exceed 180 days from the date of the death, unexpected resignation, incapacitation or revocation of the license of the nursing home administrator in which to replace the said administrator. During said reasonable period of time, the board may issue an emergency permit to a person performing the functions of administrator in such nursing home without being in violation of the provisions of this chapter.
(Acts 1969, No. 986, p. 1734, § 2.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums .

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-3. State licensing board for healing arts to have no jurisdiction. Repealed by Acts 1989, No. 89-238, p. 335, §§ 3, 7, effective April 6, 1989. [AL ST SEC 34-20-3]

Current through End of 2003 Organizational, Regular and 1st Special Session.

§ 34-20-4. Board of Examiners of Nursing Home Administrators -- Generally. [AL ST SEC 34-20-4]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) There is a Board of Examiners of Nursing Home Administrators composed of seven members, six original members as set out in this subsection, and an additional consumer member as set out in subsection (b). The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The six original members shall be composed as follows: Three members shall be nursing home administrators duly licensed and registered under this chapter; one member shall be a physician, licensed under the laws of the State of Alabama, who is actively concerned in a practice with the care of chronically ill and infirm, aged patients; one member shall be a hospital administrator; and one member shall be a registered nurse, licensed in Alabama, who has five years' experience as a geriatric nurse and who is actively serving as a director of nursing in a geriatric facility.

(b) Within 30 days following April 6, 1993, the Governor shall appoint an additional consumer member of the board for a term that is the same as the term of the member who is a licensed registered nurse. The consumer member shall vote in all matters. No consumer member, or a spouse or immediate family member of a consumer member, shall be a licensee of the board or be employed in the nursing home profession.

(c) All members of the board shall be citizens of the United States and shall be residents of the state. Not more than one board member from any United States Congressional District may be appointed to serve at the same time, unless necessary to ensure diversity on the board or to satisfy other board member qualification requirements of this section.

(d) The three members who are licensed nursing home administrators whose terms expire after April 6, 1993, shall each serve a one-year term of office. Successor members shall serve three-year terms and no board member shall serve, in addition to the one-year term provided in this subsection, more than two consecutive full three-year terms. All members shall continue to serve until a successor is appointed by the Governor.

(e) Appointments to the board for those positions to be held by nursing home administrators shall be made by the Governor from a list of three nominees for each position to be submitted to the Governor by the Alabama Nursing Home Association. The appointment to the board of the member for the position to be held by a physician shall be made by the Governor from a list of three nominees to be submitted by the Medical Association of the State of Alabama. The appointment to the board of the member for the position to be held by a hospital administrator shall be made by the Governor from a list of three nominees to be submitted to him by the Alabama Hospital Association. The appointment to the board of the member for the position to be held by a licensed registered nurse shall be made by the Governor from a list of three nominees to be submitted to him by the Alabama State Nurses Association. In the event the nominating entities and the Governor are unable to nominate or appoint members to the board so that diversity and other requirements of this section are satisfied, the board may submit a substitute list of three nominees to the Governor for appointment who are selected from the state at-large and otherwise qualify for appointment.

(f) The Governor may remove any board member for misconduct, incapacity, incompetence, or neglect of duty after the board member so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three consecutive meetings of the board within a calendar year, without cause acceptable to the Governor and the board, shall be deemed cause for removal.

(g) Any vacancy created by the death, resignation, or removal of any board member shall be filled by the Governor for the unexpired term in the same manner as required by this chapter to make appointments.

(h) Each member of the board shall receive a per diem fee of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) to be determined by the board for the time spent in the performance of official duties. Each member shall be reimbursed for all necessary and proper travel and incidental expenses incurred in implementing this chapter as is provided to state employees by the laws of the State of Alabama and regulations of the State Personnel Director. In setting the per diem fee, the board shall give due consideration to funds which are available for that purpose.

(i) The board shall hold four or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in Section 34-20-14. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in Section 34-20-14. Meetings may be called by the chair or by a majority of the members of the board. Members shall be given seven days' written notice of all meetings.

(j) The board shall annually elect from its members a chair and a vice chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year. In the event of the death, resignation, or removal of the chair from the board, the vice chair shall succeed as chair for the remainder of the unexpired term. In the event of the death, resignation, removal, or succession to the office of chair of a vice chair, a successor shall be elected by the board to fill the remainder of the unexpired term as vice chair. The chair, or in the absence of the chair, the vice chair, shall preside at all meetings of the board. The chair of the board may appoint a secretary to the board, with the consent of the members of the board, who shall serve at the pleasure of the board. The salary of the secretary shall be fixed by the board. The secretary shall be the executive officer to the board but shall not be a member of the board. The secretary shall have those powers and shall perform those duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and secretary in the keeping of the records and in the performance of their duties may be appointed by the board subject to the merit system.

(Acts 1969, No. 986, p. 1734, § 4; Acts 1980, No. 80-467, p. 731, § 1; Acts 1993, No. 93-152, p. 216, § 3; Acts 1997, No. 97-157, p. 208, § 3; Act 2001-246, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 6, 1993, rewrote this section.

The 1997 amendment, effective March 26, 1997, in subsection (a) added the second sentence; in subsection (b) deleted "except licensure or discipline of licensees or applicants" following "in all matters"; and in subsection (h) substituted "fifty dollars (\$50) nor more than one hundred dollars (\$100)" for "\$50 nor more than \$100".

The 2001 amendment, effective April 19, 2001, in subsection (c) substituted "may" for "shall" and added the language following "same time"; in subsection (e) added the fifth sentence, in subsection (j) substituted "salary of the secretary" for "secretary's salary"; and made nonsubstantive changes.

Code Commissioner's Notes

Section 2 of Acts 1989, No. 89-238 provides: "The existence and functioning of the Board of Examiners of Nursing Home Administrators, created and functioning pursuant to Sections 34-20-1 through 34-20-16, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved, except Section 34-20-3, which is expressly repealed."

Acts 1993, No. 93-152, § 2, provides: "The existence and functioning of the Board of Examiners of Nursing Home Administrators, created and functioning pursuant to Sections 34-20-4 to 34-20-16, inclusive, is continued, and those code sections are expressly preserved."

Acts 1997, No. 97-157, § 2, provides: "The existence and functioning of the Board of Examiners of Nursing Home Administrators, created and functioning pursuant to Sections 34-20-4 to 34-20-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."


Act 2001-246, § 2 provides: "The existence and functioning of the Board of

Examiners of Nursing Home Administrators, created and functioning pursuant to Sections 34-20-1 to 34-20-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-5. Board of Examiners of Nursing Home Administrators -- Functions, powers and duties. [AL ST SEC 34-20-5]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) It shall be the function and duty of the board to:

(1) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(4) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(5) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards; and

(6) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

(b) The board shall have the authority to:

(1) Make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary for the proper performance of its duties, and to take such other actions as

may be necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act, federal rules and regulations promulgated thereunder and other pertinent federal authority; and


(2) Establish, provide or approve various education programs or courses for nursing home administrators, and to prescribe rules and regulations requiring applicants for licenses as nursing home administrators to attend such programs or courses as a prerequisite to their being admitted to the examination or issued a license, and requiring licensed nursing home administrators to attend such programs or courses as a prerequisite to their being issued any license renewal.

(Acts 1969, No. 986, p. 1734, § 5.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums  3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

FEDERAL ASPECTS

Section 1908 of the Social Security Act, referred to above, is codified as 42 U.S.C.A. § 1396g.

§ 34-20-6. Board of Examiners of Nursing Home Administrators -- Review of decisions. [AL ST SEC 34-20-6]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References


Any party aggrieved by a final decision or order of the Board of Examiners of Nursing Home Administrators suspending, revoking or refusing to issue a license is entitled to a review of such decision or order by taking an appeal to the circuit court of the county in which the nursing home administrator or applicant resides. In such cases, such appeal shall be taken by filing notice thereof with the register or clerk of the circuit court within 30 days of the date of notice by the board of its decision. Appeals from any order or judgment rendered thereon by the circuit court to the Supreme Court of Alabama shall be available as in other cases.

(Acts 1969, No. 986, p. 1734, § 15.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums  3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-7. Board of Examiners of Nursing Home Administrators -- Authorization to receive and expend funds; audit. [AL ST SEC 34-20-7]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[References](#)


The Board of Examiners of Nursing Home Administrators is hereby authorized to receive and expend, in carrying out the purposes of this chapter, all sums paid by applicants and registrants as provided in this chapter, and all sums which might be appropriated for such purposes, and are also authorized to receive and expend any funds available for such purposes from the federal government. An annual financial audit shall be conducted of all receipts and expenditures, and a written report of the audit shall be given to each board member.

(Acts 1969, No. 986, p. 1734, § 16; Acts 1980, No. 80-467, p. 731, § 1.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums  3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-8. Advisory council. [AL ST SEC 34-20-8]

Current through End of 2003 Organizational, Regular and 1st Special Session.

The governing body of the Alabama Nursing Home Association shall constitute an advisory council to the Board of Examiners of Nursing Home Administrators, and the Board of Examiners of Nursing Home Administrators shall be required to counsel with the advisory council in connection with the administration of the provisions of this chapter.

(Acts 1969, No. 986, p. 1734, § 6.)

§ 34-20-9. Qualifications for admission to examination; fees. [AL ST SEC 34-20-9]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) The board shall admit to examination for licensure as a nursing home administrator any candidate who submits evidence of good moral character and suitability prescribed by the board and who submits evidence to the board that he or she is at least 19 years of age, a citizen of the United States, or that he or she has duly declared his or her intention of becoming a citizen of the United States, that he or she is a high school graduate or has completed an educational program equivalent thereto, and that he or she has completed any additional educational requirements prescribed by the board. Each candidate shall also be required, prior to admission to the examination, to

pay an examination fee established by the board pursuant to its rule-making authority.

(b) The board may establish an application fee for the internship or administrator in training (AIT) program and a fee for preceptor, certification, and recertification of the administrator in training (AIT) program pursuant to its rule-making authority. (Acts 1969, No. 986, p. 1734, § 17; Acts 1989, No. 89-238, p. 335, § 3; Acts 1993, No. 93-152, p. 216, § 3.)

HISTORICAL NOTES

HISTORY


Amendment notes:

The 1993 amendment, effective April 6, 1993, added the subsection (a) designator to the first paragraph; in subsection (a), inserted "or she" following "he" throughout, inserted "or her" following "his" near the end of the first sentence, and substituted "established by the board pursuant to its rule-making authority" for "not to exceed \$175" at the end of the second sentence; and added subsection (b).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-10. Contents and schedule of examinations. [AL ST SEC 34-20-10]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) The board shall determine the subjects of examinations for applicants for licensure, and the scope, content, and format of the examinations, which in any examination shall be the same for all candidates. The examinations shall include examination of the applicant to demonstrate his or her proficiency in the rules and regulations of health and safety. The examination may consist of written or oral questions, or both.

(b) Examinations shall be held at least four times each year, at times and places designated by the board.

(Acts 1969, No. 986, p. 1734, § 8; Acts 1993, No. 93-152, p. 216, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 6, 1993, in subsection (a), deleted "as nursing home administrators" following "licensure," substituted "the examinations" for "such

examinations" in two places, deleted "provided, that" following "all candidates," inserted "or her" following "his," substituted "may consist" for "provided for herein shall consist," and substituted "written or oral questions, or both" for "both written and oral questions"; and in subsection (b), deleted "such" preceding "times" and substituted "designated by the board" for "as the board shall designate."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-11. Issuance of license; fee for temporary emergency permit. [AL ST SEC 34-20-11]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

An applicant for a license as a nursing home administrator who has:

(1) Successfully complied with the educational and training requirements of this chapter and of the rules and regulations of the board promulgated under this chapter; and

(2) Has paid an application fee established by the board pursuant to its rule-making authority for all applicants; and

(3) Qualified for and passed the examination provided for in this chapter; shall be issued a license on a form provided for that purpose by the board, certifying that the applicant has met the requirements of the laws, rules, and regulations entitling him or her to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator and has paid a fee established by the board pursuant to its rule-making authority for original licensure.

The board may collect a fee established by the board pursuant to its rule-making authority for the issuance of a temporary emergency permit issued pursuant to Section 34-20-2.

(Acts 1969, No. 986, p. 1734, § 9; Acts 1985, No. 85-283, p. 183, § 3; Acts 1989, No. 89-238, p. 335, § 3; Acts 1993, No. 93-152, p. 216, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:


The 1993 amendment, effective April 6, 1993, in subdivision (2), inserted "pursuant to its rule-making authority" following "board" and deleted "not to exceed \$100" following "applicants"; in subdivision (3), substituted "the applicant" for "such applicant," inserted "or her" following "him," inserted "or herself" following "himself,"

and substituted "established by the board pursuant to its rule-making authority" for "not to exceed \$100"; and in the last paragraph, substituted "board may collect" for "board is also authorized to establish and collect" and substituted "established by the board pursuant to its rule-making authority" for "not to exceed \$450."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums  3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-12. Reciprocity. [AL ST SEC 34-20-12]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The board may, subject to this chapter and the rules and regulations of the board prescribing the qualifications for a nursing home administrator license, issue a license to a nursing home administrator who has been issued a license by the proper authorities of any other state or issued a certificate of qualification by any national organization, upon complying with the provisions of licensure, payment of a fee established by the board pursuant to its rule-making authority, and upon submission of evidence satisfactory to the board:

(1) That the other state or national organization maintained a system and standards of qualification and examinations for a nursing home administrator license or certificate which were substantially equivalent to those required in this state at the time the other license or certificate was issued by the other state or national organization; and

(2) That the other state gives similar recognition and endorsement to nursing home administrator licenses of this state. The board may charge a fee for completion of a reciprocity questionnaire, pursuant to its rule-making authority.

(Acts 1969, No. 986, p. 1734, § 10; Acts 1989, No. 89-238, p. 335, § 3; Acts 1993, No. 93-152, p. 216, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:


The 1993 amendment, effective April 6, 1993, in the introductory language, substituted "board may, subject to this chapter" for "board, in its discretion, and otherwise subject to the provisions of this chapter," deleted "promulgated hereunder" preceding "prescribing," deleted "may" preceding "issue a license," inserted "other" preceding "state," and substituted "established by the board pursuant to its rule-making authority" for "not to exceed \$175"; in subdivision (2), substituted "gives" for "give" and added the

second sentence; and substituted "the" for "such" throughout the section.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-13. Renewal of licenses; expiration and reactivation; inactive status; file of applications and licenses; continuing education. [AL ST SEC 34-20-13]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) Every individual who holds a valid current license as a nursing home administrator issued by the board under this chapter shall immediately upon issuance have the right and privilege of acting and serving as a nursing home administrator and of using the abbreviation "N.H.A." after their name. Thereafter, the individual shall annually be required to make application to the board for a renewal of license and to report any facts requested by the board on forms provided for that purpose.

(b) Upon making application for a renewal of license, the individual shall pay an annual license fee established as determined by the board pursuant to the rule-making authority, and, at the same time, shall submit evidence satisfactory to the board that during the year immediately preceding application for renewal he or she has complied with the requirements of the board concerning the continuation of education of nursing home administrators.

(c) Upon receipt of the application for renewal of license, the renewal fee, and the evidence with respect to continuing education, the board shall issue a license renewal to the nursing home administrator.

(d)(1) Failure to secure an annual renewal of a license, based on a failure to meet the continuing education requirements, shall result in the expiration of the license. An expired license may not be "reactivated." All persons holding an expired license shall be required to submit a new application and follow all procedures for licensure of a new applicant.

(2) A licensee who complies with the continuing education requirements but who does not renew within 90 days following its due date shall be deemed delinquent and may renew within the 90-day period by paying a late renewal fee established by the board pursuant to its rule-making authority. A license that is not renewed within the 90-day period shall be deemed expired, and is subject to reapplication as provided in subdivision (1).

(e) A licensee who holds a current license and who is not practicing as a nursing home administrator may place that license into an "inactive status" upon written application to the board. Any licensee whose license has been placed on inactive status may not engage in the practice of nursing home administration.

(f) A licensee whose license is on an inactive status who wishes to "reactivate" that license may do so by making application to the board. The applicant shall attach proof of having completed 24 hours of approved continuing education credits within one year of making application for license reactivation, and shall pay a reactivation fee established by the board pursuant to its rule-making authority. A licensee may not have his or her license in inactive status for more than five years. After five years in inactive status, the license automatically becomes expired.

(g) The board shall maintain a file of all applications for licensure that includes the following information on each applicant: residence, name, age, the name and address of his or her employer or business connection, the date of application, educational and experience qualifications, action taken by the board, serial numbers of licenses issued to the applicant, and the date on which the board acted on or reviewed the application.

(h) The board shall maintain a list of current licensees of the board, and shall furnish the list on demand to any person who pays a fee established by the board pursuant to its rule-making authority.

(i) The board shall adopt a program for continuing education for its licensees by October 1, 1991. After that date, successful completion of the continuing education program by board licensees shall be required in order to obtain a renewal license.

(j) Continuing education shall not result in a passing or failing grade.
(Acts 1969, No. 986, p. 1734, § 11; Acts 1980, No. 80-467, p. 731, § 1; Acts 1989, No. 89-238, p. 335, §§ 3, 4; Acts 1993, No. 93-152, p. 216, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 6, 1993, in subsection (a), deleted "thereof" following "issuance," substituted "the individual" for "such individual," inserted "to" preceding "report," and substituted "that purpose" for "such purpose"; in subsection (b), substituted "the individual" for "such individual," substituted "fee established as determined by the board pursuant to the rule-making authority" for "fee of not more than \$75 as determined by the board," deleted "such" preceding "application," and inserted "or" preceding "she"; in subsection (c), substituted "the application" for "such application" and substituted "the nursing home administrator" for "such nursing home administrator"; in subsection (d), added the subdivision (1) designator to the first paragraph, substituted "based on a failure to meet the continuing education requirements, shall result in the expiration of the license" for "shall constitute that license to be expired" in subdivision (d)(1), and added subdivision (d)(2); in subsection (f), substituted "shall attach" for "must attach," inserted "and shall pay a reactivation fee established by the board pursuant to its rule-making authority" following "reactivation," and inserted "or her" following "his"; in subsection (g), substituted "licensure that includes" for "licensing of nursing home administrators, which file shall show" and inserted "or her" following "his"; rewrote subsection (h) which formerly read: "The board shall maintain a list of all persons holding current licenses issued by the board, and the board shall furnish a list of current licensees on demand to any person who pays a fee therefor, said fee amount to be established by the board."; substituted "the continuing education program" for "said continuing education program" in subsection (i); and deleted

"Provided, however, under the provisions of this section" preceding "continuing" in subsection (j).


Code Commissioner's Notes

In 1994, the Code Commissioner inserted "the" preceding "board" in subsection (h) for clarity.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-14. Disciplinary proceedings; administrative fines. [AL ST SEC 34-20-14]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) The board is hereby authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed \$1,000.00 per violation and is authorized to institute any legal proceedings necessary to effect compliance with this chapter.

(b) The license of any person practicing or offering to practice nursing home administration or the license of a provisional nursing home administrator may be revoked or suspended by the board, or such person may be reprimanded, censured or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(1) Upon proof that such person has willfully or repeatedly violated any of the provisions of this chapter or the rules enacted in accordance therewith; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is administrator;

(2) Upon proof that such person's conduct is immoral, unprofessional or dishonorable;

(3) Upon proof that such person is guilty of fraud or deceit in the practice of nursing home administration or in his or her admission to such practice; or

(4) Upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a crime involving moral turpitude.

(c) The board shall have the jurisdiction to hear all charges brought under the provisions of this section against any person having been issued a license as a nursing home administrator or having been issued a license as a provisional nursing home administrator; and upon such hearings shall determine the charges upon their merits. If the board determines that disciplinary measure should be taken, the board may revoke his or her license, suspend him or her from practice or reprimand, censure or otherwise discipline such person.

(d) All proceedings under this section shall be heard by the board with at least two thirds of its members present, and decisions to discipline any licensee shall require a vote

of two thirds of the membership of the entire board; provided, that the board may designate three or more of its members to comprise a hearing committee for the purpose of determining whether charges brought justify a hearing by the board, and with the authority to dismiss frivolous or unfounded charges.


(e) At any hearing under this chapter, the person charged shall have the right to appear either personally or by counsel or both to produce witnesses and evidence in his own behalf and to cross-examine witnesses. The board or hearing committee shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning all matters within the jurisdiction of the board. The circuit court of the county wherein said hearing is to take place shall have authority, on application of the board, to enforce obedience to said subpoenas and orders of the board concerning such testimony.

(Acts 1969, No. 986, p. 1734, § 13; Acts 1989, No. 89-238, p. 335, § 3.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-15. Restoration of license. [AL ST SEC 34-20-15]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References


The board may, for good cause shown, upon such terms as the board may prescribe, reissue a license to any person whose license has been revoked.

(Acts 1969, No. 986, p. 1734, § 14.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

§ 34-20-16. Prohibited acts; penalties. [AL ST SEC 34-20-16]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) It shall be a misdemeanor for any person to:

(1) Sell or fraudulently obtain or furnish any license or aid or abet therein;

(2) To practice as a nursing home administrator under cover of any license illegally or fraudulently obtained or unlawfully issued;

(3) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator unless duly licensed to so practice under the provisions of this chapter;

(4) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator during the time his or her license issued under the provisions of this chapter shall be expired, suspended or revoked; or

(5) Otherwise violate any of the provisions of this chapter.


(b) Such misdemeanor shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment.

(Acts 1969, No. 986, p. 1734, § 12.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Asylums 3.

Corpus Juris Secundum:

C.J.S. Asylums and Institutional Care Facilities §§ 5-8.

Board Members



Katrina G. Magdon
Executive Secretary

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April 19, 2004

To Whom it May Concern:

The following individuals served on the Alabama Board of Examiners of Nursing Home Administrators from October 1, 2001 through Present:

Robert (Bob) J. Coker, Jr., Chairman
Greene County Hospital and Nursing Home
P.O. Box 58
Demopolis, Alabama 36732
Term Expires 3/6/2004

Clarence M. Ball, Jr.
Ball Health Care Services
950 Dauphin Street
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Term Expires 4/13/05

D. Lee Guyton, Jr., Vice-Chairman
Altoona Health Care Center
P.O. Box 68
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Term Expires 4/13/05

Donna Horn
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Troy, Alabama 36081
Term Expires 3/6/04

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Lineville, Alabama 36266-6908
Term Expires 3/6/2004

Jimmie Lou Shelton
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Term Expires 4/13/05

Katrina G. Magdon, Executive Secretary
Alabama Board of Examiners of NHA
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Montgomery, Alabama 36106
Phone: 334-271-2342
FAX: 334-271-9615
Term - Indefinite

Sincerely,

A handwritten signature in cursive script that reads "Katrina G. Magdon".
Katrina G. Magdon
Executive Secretary